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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,040

07/30/2003

William W. Morris

24001/39443

9446

4743

7590

10/20/2004

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EXAMINER

KIKNADZE, IRAKLI

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,040

Applicant(s)

MORRIS, WILLIAM W.

Examiner

Irakli Kiknadze

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: In claim 7, the phrase " the first and second pins " lacks proper antecedence; perhaps claim 7 should depend from claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US Patent 4,587,668) in view of Brisson et al. (US Patent 5,301,659).

With respect to claim 1, Morris teaches a radiographic device (Fig.2) comprising: a platform (10) defining a lateral direction and a longitudinal direction; a mounting assembly (18) having a first end (25) pivotably coupled to the platform (10) and a second end (15), wherein the second end is movable in the lateral and longitudinal directions and a radiographic head (13) coupled to the second end (15) of the mounting assembly (18) (column 3, lines 34-42). Morris fails to teach a yoke including a bracket having a cross support coupled to the mounting assembly. Brisson teaches (Figs.4-8) a

Art Unit: 2882

mounting assembly comprising a yoke (44) including a bracket having a cross support coupled to the mounting assembly second end for pivoting about a Y axis extending parallel to the longitudinal direction and spaced first and second arms (46) coupled to the cross support; and a head (48) pivotably coupled to the first and second arms (46) of the first bracket at points along an X axis extending parallel to the lateral direction, wherein the head (48) is pivotable about the X axis (column 3, lines 42-65 and column 5, lines 30-35). It would have been obvious to one of ordinary skill in art at the time the invention was made to employ the yoke assembly teachings of Brisson in the radiographic device of Morris in order to allow the radiographic head to be positioned for multiple positions without requiring significant repositioning of the object under examination.

With respect to claim 2, Morris fails to teach that the radiographic head (13) defines a center of gravity and the X-axis passes through the radiographic head center of gravity (CG). It would have been obvious to one of ordinary skill in art at the time the invention was made to provide the radiographic device wherein the center of gravity is positioned within the head because this arrangement allows the components of the device to rotate and/or tilt without excessive wear and stress.

With respect to claim 4, Morris in view Brisson teach the claimed invention except for providing an additional second bracket comprising first and second inner arms extending at least partially across opposite lateral sides of the radiographic head, wherein the first and second inner arms are pivotably coupled to the first and second arms of the first bracket. It would be obvious to one of ordinary skill in art at the time the

Art Unit: 2882

invention was made to provide the inner arms to fine-tune the radiographic head at a desirable angle with respect to the first (outer) bracket, since it been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284.

With respect to claim 5, Morris in view Brisson teach the claimed invention except for using fastener to attach radiographic head comprising a back plate with the second brackets. It would be obvious to one of ordinary skill in the art to use fastener to connect different parts of the device.

With respect to claims 6 and 7, Brisson shows that head (48) is pivotably connected to the bracket (Fig.6) utilizing connectors (50) (column 3; lines 60-64), fails to specify that the connection made by pins. It would be obvious to one of ordinary skill in the art to use pins to movably connect and/or ~~the~~ threaded pins with tightening knobs to stabilize the head at desirable position, since it been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284.

Allowable Subject Matter

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 8 and 9 are allowed.

Art Unit: 2882

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or make obvious a radiographic device comprising a yoke comprising a stub shaft attached to a midpoint of the first bracket cross support for coupling to a mounting assembly second end, and in which the stub shaft lies along a Y axis that passes through a radiographic head center of gravity and extends perpendicular to an X-axis as claimed in claim 3.

Additionally, the prior art fails to teach or make obvious a radiographic device for use in podiatry comprising: a yoke including an outer bracket having a stub shaft sized for insertion into a horizontal mounting member and rotatable within the horizontal mounting member about a Y axis extending parallel to a longitudinal direction as claimed in claim 8. Claim 9 is allowed by virtue of its dependence.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prendergast et al. (US Patent 3,838,286) and Sell (US Patent 4,082,955) teach adjustable supports for radiographic heads used in X-ray equipment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00- 5:30.

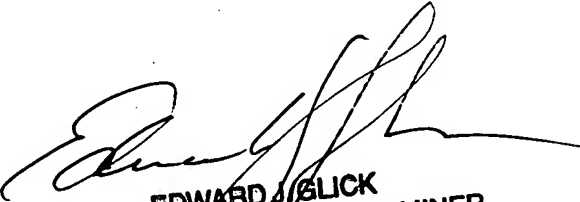
Art Unit: 2882

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Irakli Kiknadze
October 17, 2004

IK



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER